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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8691

UNITED STATES OF AMERICA, Plaintiff, v. Juan OJEDA-Sillas, Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about August 3, 2008, within the Southern District of California, defendant Juan OJEDA-Sillas, did knowingly and intentionally import approximately 54.54 kilograms (119.99 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Vincent McDonald Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF AUGUST 2008.

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Juan OJEDA-Sillas

STATEMENT OF FACTS

This complaint is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Vincent McDonald.

On August 3, 2008, at approximately 0940 hours, Juan OJEDA-Sillas entered the United States from the Republic of Mexico via the Calexico, CA West Port of Entry. OJEDA was the driver of a 1995 Chevy S-10 truck.

Customs & Border Protection Officer (CBPO) M. Gastelum obtained a negative Customs declaration from OJEDA. OJEDA stated he was the owner of the vehicle and that he had just purchased the vehicle recently. CBPO M. Gastelum inspected the undercarriage of the vehicle with a mirror and observed several scratches around the rim of the tires. CBPO M. Gastelum noticed OJEDA was also avoiding eye contact while answering questions. CBPO M. Gastelum referred OJEDA and the vehicle to the secondary inspection area for further examination.

In the vehicle secondary (VS) area, CBPO R. Mendibles asked Senior Border Patrol Agent (SBPA) D. Rose to utilize his canine inspecting the vehicle. SBPA D. Rose inspected the vehicle and advised CBPO R. Mendibles that his canine had alerted to the vehicle.

CBPO R. Mendibles continued to inspect the vehicle and utilized a mechanical device to inspect the tires. CBPO R. Mendibles stated the device displayed an abnormal reading. CBPO R. Mendibles removed a tire and stated the tire felt heavy. CBPO R. Mendibles cut open the tire and extracted 6 packages. All the tires were removed and cut open, revealing a combined total of thirty packages hidden inside the tires of the vehicle. The total weight of all the packages was 54.54 kilograms (119.99 pounds). A package was probed and produced a green, leafy substance that field-tested positive for marijuana, a Schedule I Controlled Substance.

OJEDA was placed under arrest and advised of his rights per Miranda, which he acknowledged and waived, agreeing to answer questions without the presence of an attorney.

OJEDA initially denied knowledge of the drugs inside the vehicle. OJEDA then changed his story and admitted knowing drugs were inside the vehicle, but he did not know what type. OJEDA confessed that he did not own the vehicle and it was provided to him by "Juan Carlos SANTA-Cruz" to transport the drugs. OJEDA claimed he was instructed to travel to the "Santa Tomas" swap meet and he would be contacted on his "boost" telephone with further instructions. OJEDA stated he was to be paid $1000 to transport the drugs across the border.